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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,479	09/30/2003	Dhirendra Pandey	5681-71800	6011
58467	7590	02/23/2009	EXAMINER	
MHKKG/SUN	WALERIC CHARLES			
P.O. BOX 398	ART UNIT			
AUSTIN, TX 78767	PAPER NUMBER			
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/675,479

**Applicant(s)**

PANDEY ET AL.

**Examiner**

ERIC C. WAI

**Art Unit**

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, and 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-10, and 12-21 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-6, 10, 12, 16-17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy (US PG Pub No. US 2003/0014469 A1).

4. Regarding claim 1, Ramaswamy teaches a system, comprising:

one or more host machines configured to implement a plurality of instances of an application server ([0005] and [0011], wherein multiple servers host objects; [0002], wherein an object is a software module, i.e. application);

one or more client computer machines each configured to implement one or more clients of the application server ([0011]), wherein each client on the respective one of the one or more client machines is configured to:

create a client-side Object Request Brokers (ORBs), wherein the client-side ORB is coupled to a server-side ORB of a different one of the plurality of application server instances ([0048], wherein the clients initialize distributors; [0047], wherein clients run in

the same process as the distributors; [0043], wherein client and distributors utilize ORB);

select one of the plurality of server-side ORBs on the client machine according to a load balancing scheme in response to a request to access the application server ([0031], wherein distributors distribute the function calls across multiple objects ); and

access a particular one of the plurality of application server instances via the selected client-side ORB coupled to a server-side ORB of the particular application server instance ([0051]).

5. Ramaswamy does not teach a plurality of client-side ORBs wherein each of the client-side ORB is coupled to a server-side ORB. However, it is old and well known in the art to utilize the concept of redundancy. In Ramaswamy, a single ORB is used to connect to the server-side ORB. However, it would have been obvious to one of ordinary skill in the art to modify Ramaswamy to create multiple ORBs on the client side. One would be motivated by the desire to have redundant ORBs on the client-side to allow access the server in the case that a single client-side ORB fails.

6. Regarding claim 5, Ramaswamy teaches that each client is further configured to: select a different one of the plurality of server-side ORBs on the client machine according to the load balancing scheme in response to another request to access the application server ([0051]); and

access a different one of the plurality of application server instances using the client-side ORB coupled to a server-side ORB of the different application server instance ([0051]).

7. Ramaswamy does not teach a plurality of client-side ORBs wherein each of the client-side ORB is coupled to a server-side ORB. However, it is old and well known in the art to utilize the concept of redundancy. In Ramaswamy, a single ORB is used to connect to the server-side ORB. However, it would have been obvious to one of ordinary skill in the art to modify Ramaswamy to create multiple ORBs on the client side. One would be motivated by the desire to have redundant ORBs on the client-side to allow access the server in the case that a single client-side ORB fails.

8. Regarding claims 6 and 10, they are rejected for the same reasons as claims 1 and 5 above.

9. Regarding claims 12, 16, 17, and 21, they are the method and computer accessible medium claims of claims 1 and 5 above. Therefore, they are rejected for the same reasons as claims 1 and 5 above.

10. Claims 2-4, 7-9, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy (US PG Pub No. US 2003/0014469 A1) in view of Applicant's Admitted Prior Art (AAPA).

11. Regarding claim 2, Ramaswamy does not teach that the access of a particular one of the plurality of application server instances via the selected client-side ORB is performed according to RMI-IIOP.

12. AAPA teaches that RMI allows objects on different computers to interact in a distributed network (pg 1 lines 10-13). AAPA also teaches that IIOP is a protocol that allows distributed programs written in different programming languages to communicate over the Internet (pg 2 lines 5-7).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ramaswamy to use RMI-IIOP. One would be motivated by the desire to apply the teachings of Ramaswamy to distributed computed where the different computing nodes operate on different programming languages as indicated by Ramaswamy.

14. Regarding claims 3-4, Ramaswamy does not teach that the creation of a plurality of client-side ORBs and said selection of one of the plurality of client-side ORBs according to a load balancing scheme are performed by a Context Factory class, wherein the Context Factory class is a JNDI Factory Class.

15. AAPA teaches using JNDI to provide naming and directory functionality to applications written in the Java programming language (pg 2 lines 26-27).

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ramaswamy by including the use of JNDI. One would be motivated

by the desire to access a variety of services (new, emerging, already deployed) in a common way as indicated by AAPA (pg 2 lines 29-30).

17. Regarding claims 7-9, they are rejected for the same reasons as claims 2-4 above.

18. Regarding claims 13-15, and 18-20, they are the method and computer accessible medium claims of claims 2-4 above. Therefore, they are rejected for the same reasons as claims 2-4 above.

#### ***Response to Arguments***

19. Applicant's arguments with respect to claims 1-10, and 12-21 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012. The examiner can normally be reached on Mon-Thurs, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

/Eric C Wai/  
Examiner, Art Unit 2195